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S/N 10/056,593

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	NINKOV	Examiner:	H. Lilling
Serial No.:	10/056,593	Group Art Unit:	4614 1051
Filed:	JANUARY 23, 2002	Docket No.:	12996.4USU1
Title:	PESTICIDAL COMPOUNDS AND COMPOSITIONS		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703.872.9306 on April 7, 2003

By: *Victoria Hanson*
Name: Victoria Hanson

RESPONSE

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to a Restriction Requirement mailed March 5, 2003, please consider the following

The Examiner has required restriction under 35 U.S.C. § 121 between the following two groups:

Group I: Claims 1-25, drawn to a pesticidal composition, classified in class 424, numerous subclasses depending upon the transition metal employed in the composition.

Group II: Claims 26-29, drawn to a method of applying a pesticidal composition to an area, classified in class 424, numerous subclasses depending upon the transition metal employed in the composition.

In response to the restriction requirement, **Applicant elect group I, claims 1-25 without traverse.** Applicant would however like to direct the Examiner's attention to MPEP § 821.04. MPEP § 821.04 states that if Applicant elects claims directed to the product (in a case with product and process claims), and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined. MPEP § 821.04 also states that in the event of rejoinder, the rejoined process claims will be fully examined for patentability.

The Examiner has also required that a single species be elected for species I to III as given below:

Species I: Phenolic compound chosen from: a. carvacrol; b. thymol; c. carvacrol and thymol.

Species II: Transition metals: a. nickel; b. copper; c. zinc; d. cadmium; and e. combinations of above

Species III: Pesticidal pest: a. insects; b. mites; c. ova; d. fungi; e. microorganisms; f. parasites; and g. combinations of above

Applicant elects the following species:

Species I: Carvacrol and thymol - Claims 1-25

Species II: Zinc - Claims 1-25

Species III: Insects - Claims 1-25

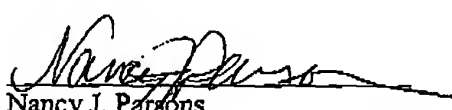
Applicant would like to note that upon allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim.

Conclusion

In view of the amendments and comments presented herein, favorable reconsideration in the form of a Notice of Allowance is respectfully requested.

Respectfully submitted,
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300

Date: 4/7/03


Nancy J. Parsons
Reg. No. 40,364
NJP/AMN/vh

